

By

Chittin
Thayer

S.J.R. No. 10

SENATE JOINT RESOLUTION

proposing an amendment to Section 20,
Article XVI, Constitution of the State
of Texas, to provide that the Legislature
shall have the power to enact a Mixed
Beverage Law regulating the sale of
mixed alcoholic beverages on a local
option election basis.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Section 20, Article XVI, Constitution of
the State of Texas, be amended to read as follows:

"Sec. 20. (a) The Legislature shall have the power to
enact a Mixed Beverage Law regulating the sale of mixed alcoholic
beverages on a local option election basis. The Legislature shall
also have the power to regulate the manufacture, sale, possession
and transportation of intoxicating liquors, including the power
to establish a State Monopoly on the sale of distilled liquors.

"(b) The Legislature shall enact a law or laws whereby the
qualified voters of any county, justice's precinct or incorporated
town or city, may, by a majority vote of those voting, determine
from time to time whether the sale of intoxicating liquors for
beverage purposes shall be prohibited or legalized within the pre-
scribed limits; and such laws shall contain provisions for voting
on the sale of intoxicating liquors of various types and various
alcoholic content.

"(c) In all counties, justice's precincts or incorporated
towns or cities wherein the sale of intoxicating liquors had been
prohibited by local option elections held under the laws of the
State of Texas and in force at the time of the taking effect of
Section 20, Article XVI of the Constitution of Texas, it shall
continue to be unlawful to manufacture, sell, barter or exchange
in any such county, justice's precinct or incorporated town or
city, any spirituous, vinous or malt liquors or medicated bitters
capable of producing intoxication or any other intoxicants
whatsoever, for beverage purposes, unless and until a majority of
the qualified voters in such county or political subdivision
thereof voting in an election held for such purpose shall determine
such to be lawful; provided that this subsection shall not prohibit
the sale of alcoholic beverages containing not more than 3.2 per
cent alcohol by weight in cities, counties or political subdivi-
sions thereof in which the qualified voters have voted to legalize
such sale under the provisions of Chapter 116, Acts of the Regular
Session of the 43rd Legislature.

"Should the Legislature enact any enabling laws in antici-
pation of this amendment, no such law shall be void by reason of
its anticipatory nature."

1 Sec. 2. The foregoing constitutional amendment shall be
2 submitted to a vote of the qualified electors of this state at an
3 election to be held on _____, 1960, at which election
4 all ballots shall have printed on them the following:

5 "FOR the constitutional amendment to provide that the
6 Legislature shall have the power to enact a Mixed Beverage Law
7 regulating the sale of mixed alcoholic beverages on a local option
8 election basis."

9 "AGAINST the constitutional amendment to provide that the
10 Legislature shall have the power to enact a Mixed Beverage Law
11 regulating the sale of mixed alcoholic beverages on a local option
12 election basis."

13 Sec. 3. The Governor of the State of Texas shall issue the
14 necessary proclamation for the election and this amendment shall
15 be published in the manner and for the length of time as required
16 by the constitution and laws of this state.
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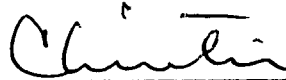
Austin, Texas

Feb. 12, 1969

Honorable Ben Barnes
President of the Senate

Sir:

We, your Committee on Constitutional Amendments,
to which was referred ^{S.J.R.} H. No. 10, have had the same under
consideration, and I am instructed to report it back to the Senate
with the recommendation that it do not pass, but that the
Committee Substitute adopted in lieu thereof do pass and be
printed.



Chairman

CAS

By Christie
Christie

CS S.J.R. No. 10
SgR no 10

Mary

A JOINT RESOLUTION

proposing an amendment to Subsection (a),
Section 20, Article XVI, Constitution of
the State of Texas, to authorize the
Legislature to enact a Mixed Beverage Law
regulating the sale of mixed alcoholic
beverages on a local option election
basis.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Subsection (a), Section 20, Article XVI,
Constitution of the State of Texas, be amended to read as follows:

"(a) The Legislature shall have the power to enact a Mixed
Beverage Law regulating the sale of mixed alcoholic beverages on
a local option election basis. The Legislature shall also have
the power to regulate the manufacture, sale, possession and trans-
portation of intoxicating liquors, including the power to estab-
lish a State Monopoly on the sale of distilled liquors.

"Should the Legislature enact any enabling laws in antici-
pation of this amendment, no such law shall be void by reason of
its anticipatory nature."

Sec. 2. The foregoing constitutional amendment shall be
submitted to a vote of the qualified electors of this state at an
election to be held on ~~September 3, 1963~~, at which election the
ballots shall be printed to provide for voting for or against the
proposition: "The constitutional amendment authorizing the Legis-
lature to enact a Mixed Beverage Law regulating the sale of mixed
alcoholic beverages on a local option election basis."

" Repeal of the prohibition against open saloons found in Section 20,
Article XVI of the Constitution of the State of Texas."

Word

C.S.
Amend S.J.R. 10, Section 2, line 35 by deleting the following language:

"The constitutional amendment authorizing the Legislature to enact a Mixed Beverage Law regulating the sale of mixed alcoholic beverages on a local option election basis", and substituting in lieu thereof the following:

"Repeal of the prohibition against open saloons found in Section 20, Article XVI of the Constitution of the State of Texas."

ADOPTED

MAR 25 1969

Charles Schwab
SECRETARY OF SENATE

(#1)

By: Christie
Mauzy

S. J. R. No. 10

A JOINT RESOLUTION

proposing an amendment to Subsection (a), Section 20, Article XVI,
Constitution of the State of Texas, to authorize the Legislature to
enact a Mixed Beverage Law regulating the sale of mixed alcoholic
beverages on a local option election basis. _____

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

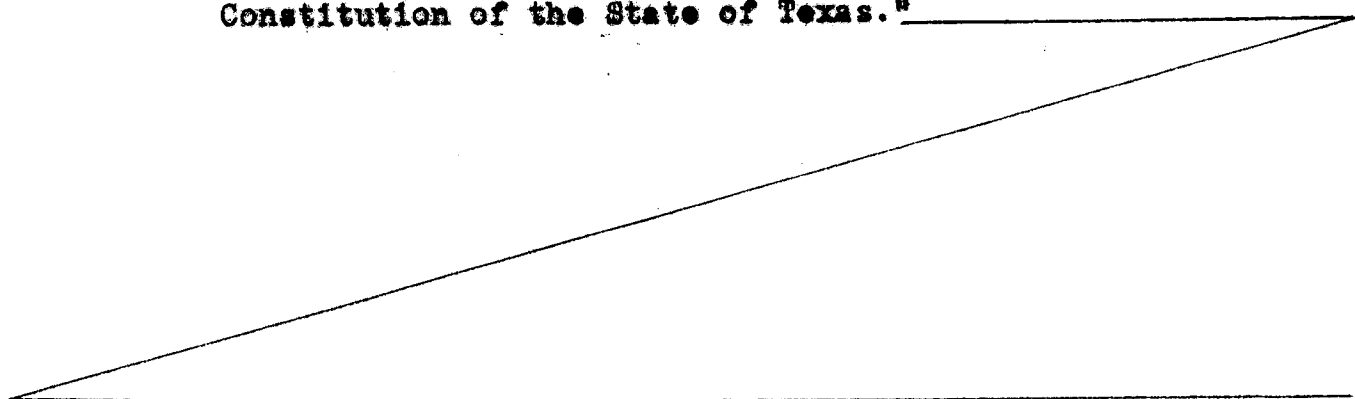
Section 1. That Subsection (a), Section 20, Article XVI,
Constitution of the State of Texas, be amended to read as follows: _____

"(a) The Legislature shall have the power to enact a
Mixed Beverage Law regulating the sale of mixed alcoholic beverages
on a local option election basis. The Legislature shall also have
the power to regulate the manufacture, sale, possession and
transportation of intoxicating liquors, including the power to
establish a State Monopoly on the sale of distilled liquors. _____

"Should the Legislature enact any enabling laws in anticipation
of this amendment, no such law shall be void by reason of its
anticipatory nature." _____

Sec. 2. The foregoing constitutional amendment shall be
submitted to a vote of the qualified electors of this state at an
election to be held on November 3, 1970, at which election the
ballots shall be printed to provide for voting for or against the
proposition: _____

"Repeal of the prohibition against open saloons
found in Section 20, Article XVI of the
Constitution of the State of Texas." _____



(For favorable and unfavorable reports on bills and resolutions, where no committee amendments are recommended.)

COMMITTEE REPORT

Date 4-8-69

HON. G. F. (GUS) MUTSCHER

Speaker of the House of Representatives.

Sir:

We, your Committee on CONSTITUTIONAL AMENDMENTS, to whom was referred SJR No. 10, have had the same under consideration and beg to report back with recommendation that it ^{do} ~~do not~~ pass, and be ~~not~~ printed

[Signature]
Chairman.

(When this form is used for a favorable report on a general bill the words "do not" are marked out. If the bill is a local bill the word "not" should be inserted before the word "printed." When used for an unfavorable report the word "do" is marked out, the comma after "pass" is changed to a period, and the remaining words also marked out.

When this form is used for a simple or concurrent resolution the comma after "pass" should be changed to a period and the remaining words stricken out because resolutions are printed in the Journal when first introduced.)

BILL ANALYSIS

S.J.R. 10
Committee on Constitutional Amendments

SEN CHRISTIE
REP DAVIS

Background information:

For several years, various groups have felt that legalizing the sale of mixed alcoholic beverages would greatly benefit the State of Texas. The Constitution presently bars "open saloons".

Purpose of the resolution:

SJR 10 amends the Constitution to authorize the Legislature to enact a Mixed Beverage Law regulating the sale of mixed alcoholic beverages on a local option election basis.

Section by section analysis:

Section 1: amends subsection (a), Sect. 20, Art. XVI:

(a) ~~paesently~~ prohibits the open saloons and gives the Legislature the power and the duty to define the term and to enact laws against such.

This resolution deletes this portion of (a) and substitutes in its place a clause giving the Legislature the power to enact a law regulating the sale of mixed drinks on a local option basis. This section also prevents any anticipatory laws from being voided.

Section 2: submits this amendment to a vote on November 3, 1970.

Summary of Committee hearing:

SJR 10 was reported back to the House with the recommendation that it do pass and be not printed by a vote of 10 Ayes, 2 Nays, and 1 Abstention.

DATE: 4/8/69

To the Honorable John TRAEGER
Committee on Constitutional Amendments

Ref: S.J.R. 10

Sir:

We, your sub-committee to whom was referred S.J.R. 10, have had the same under consideration and beg to report back with the recommendation that it do ~~(not)~~ pass (~~as amended~~) and be (not) printed. (~~Committee substitute is to be printed in lieu of the original bill~~)

Respectfully submitted,

Walter B. Doran, Jr.
W. B. Doran, Jr.

Howard H. Hargis
Howard Hargis

Elmer E. Kottmann
Elmer E. Kottmann

Tom Niland

Carl Parker

A JOINT RESOLUTION

proposing an amendment to Subsection (a), Section 20, Article XVI, Constitution of the State of Texas, to authorize the Legislature to enact a Mixed Beverage Law regulating the sale of mixed alcoholic beverages on a local option election basis.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Subsection (a), Section 20, Article XVI, Constitution of the State of Texas, be amended to read as follows:

"(a) The Legislature shall have the power to enact a Mixed Beverage Law regulating the sale of mixed alcoholic beverages on a local option election basis. The Legislature shall also have the power to regulate the manufacture, sale, possession and transportation of intoxicating liquors, including the power to establish a State Monopoly on the sale of distilled liquors.

"Should the Legislature enact any enabling laws in anticipation of this amendment, no such law shall be void by reason of its anticipatory nature."

Sec. 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on November 3, 1970, at which election the ballots shall be printed to provide for voting for or against the proposition:

"Repeal of the prohibition against open saloons found in Section 20, Article XVI of the Constitution of the State of Texas."

S. J. R. No. 10

Lieutenant Governor

Speaker of the House

I hereby certify that S. J. R. No. 10 passed the Senate on
March 25, 1969, by the following vote: Yeas 21, Nays 10.

Secretary of the Senate

I hereby certify that S. J. R. No. 10 was passed by the House
on April 17, 1969, by the following vote: Yeas 101, Nays 44, and
1 present not voting.

Chief Clerk of the House

Approved:

5-1-69

Date

Signed

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3:10pm O'CLOCK

MAY 1 1969

Martin Dies Jr.
Secretary of State

A JOINT RESOLUTION

providing that the Legislature shall have the power to enact a Mixed Beverage Law regulating the sale of Mixed alcoholic beverages on a local option election basis.

FEB 4 1969 Filed with the Secretary of the Senate

FEB 5 1969 Read, referred to Committee on Constitutional Amendments

Reported favorably.

FEB 12 1969 Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed.

MAR 25 1969 Senate and Constitutional Rules to permit consideration suspended by

unanimous consent
19 yeas, 9 nays.

To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

amended

MAR 25 1969 Read second time and { ordered engrossed by vote of 21 yeas, 9 nays - passed to third reading.

MAR 25 1969 Caption ordered amended to conform to body of bill.

Senate and Constitutional 3-Day Rules suspended by vote of _____ yeas, _____ nays to place bill on third reading and final passage.

* MAR 25 1969 (2) Read third time and passed by 21 yeas, 10 nays

OTHER ACTION:

* New Legislative day

MAR 25 1969 (1) Regular order of business suspended by vote of

21 yeas, 10 nays to permit consideration.

Charles Schnabel, Secretary of the Senate

3-25-69 Engrossed.

Eddie M. Binnie
ENGROSSING CLERK

MAR 26 1969 Sent to HOUSE

Charles Schnabel
Secretary of the Senate

APR 26 1969

Received from the Senate

APR 16 1969

Dorothy Hallman
Chief Clerk, House of Representatives

APR 16 1969

Read Second Time _____ and passed to third reading by vote 95 yeas, 48 nays.

READ 1st TIME
AND REFERRED TO COMMITTEE ON

Constitutional Amendments
Dorothy Hallman
Chief Clerk, House of Representatives

MAR 26 1969

Dorothy Hallman
Chief Clerk, House of Representatives

APR 8 1969 REPORTED FAVORABLY SENT TO PRINTER

APR 17 1969

Read third time

finally
and Passed

by following vote: yeas 101

Nays 44 + 1 present not voting

Dorothy Hallman
Chief Clerk
HOUSE OF REPRESENTATIVES

APR 17 1969

PRINTED, DISTRIBUTED AND

REFERRED TO COMMITTEE ON

RULES 10:45 A.M. APR 9 1969
(Time) (Date)

APR 17 1969

MOTION TO RECONSIDER THE VOTE BY WHICH APR 10 WAS ADOPTED passed AND TO TABLE THE MOTION TO RECONSIDER PREVAILED passed BY A non-record VOTE OF

Dorothy Hallman
CHIEF CLERK HOUSE OF REPRESENTATIVES

APR 17 1969

RETURNED TO SENATE